

Message Text

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PAGE 01 MOSCOW 00813 201816Z

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C O N F I D E N T I A L MOSCOW 0813

E.O. 11652: GDS

TAGS: CVIS, BTRA, UR

SUBJECT: MFA NOTE ON VISA PROCEDURES--EMBASSY COMMENT

FOR SCA/VO AND EUR/SOV

REF: A) MOSCOW 0186; B) MOSCOW A-18; C) STATE 02662; D) STATE 260601

1. SUMMARY: IN RESPONSE TO SOVIET NOTE, EMBASSY RECOMMENDS THAT WE (A) REITERATE THAT 21-DAY RULE AND INFORMATION REQUESTED IS DESIGNED TO FACILITATE NOT IMPEDE COMMERCIAL VISITS; (B) DROP REQUIREMENT FOR CLOSED-AREA NOTIFICATION BY MFA FOR COMMERCIAL VISITORS; AND (C) EXPLAIN CRITERIA WE APPLY FOR ISSUANCE OF "CATEGORY A" VISAS AND CONSTRUE OUR REGULATIONS TO COVER AS MANY DIPLOMATIC PASSPORTS HOLDERS AS POSSIBLE. END SUMMARY.

2. SOVIET NOTE (REFS A AND B) IS FIRST FORMAL EXPRESSION OF SOVIET DISSATISFACTION WITH BUSVIS PROCEDURES, WHICH HAD PREVIOUSLY BEEN CONVEYED TO US UNOFFICIALLY WITH FREQUENCY AND FORCE AT RELATIVELY SENIOR AS WELL AS WORKING LEVELS. GIVEN THE PRESENT UNCERTAINTIES HANGING OVER THE FUTURE OF OUR COMMERCIAL RELATIONSHIP, WE BELIEVE WE SHOULD CAST OUR RESPONSE IN A COOPERATIVE AND CONSTRUCTIVE TONE, WHILE FIRMLY REITERATING THE NECESSITY OF THOSE BASIC ELEMENTS OF THE BUSVIS PROCEDURES WHICH ARE REQUIRED FOR ORDERLY PROCESSING OF APPLICATIONS AND PROTECTION OF U.S. SECURITY INTERESTS.

3. FULL INFORMATION REQUIREMENT IS PARTICULARLY IMPORTANT
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PAGE 02 MOSCOW 00813 201816Z

IN THIS CONTEXT AND WE BELIEVE THAT WE CAN PLAUSIBLY AND

ACCURATELY REITERATE THAT PROVISION OF FULL INFORMATION WELL IN ADVANCE FACILITATES RATHER THAN IMPEDES ARRANGEMENTS FOR VISIT. SOVIETS THEMSELVES PRESUMABLY REQUIRE FULL INFORMATION RE PURPOSE OF VISIT, ORGANIZATIONS TO BE VISITED, ETC., FROM U.S. BUSINESSMEN APPLYING FOR VISAS. FACT THAT MFA IS EXPECTED TO PROVIDE THIS INFORMATION RATHER THAN INDIVIDUALS ARISES FROM SOVIET, NOT U.S., PROCEDURES.

4. SIMILARLY, WE BELIEVE 21-DAY RULE IS DEFENSIBLE, EVEN THOUGH IT IS LONGER LEAD TIME THAN SOVIETS NORMALLY REQUIRE, PARTICULARLY AFTER BONA FIDES ESTABLISHED IN INITIAL VISIT. NEVERTHELESS, GIVEN CUMBERSOME NATURE OF SOVIET BUREAUCRACY, THIS REQUIREMENT DOUBTLESS POSES AN ADMINISTRATIVE STRAIN. WE WOULD HOPE THAT, AS FILE SEARCHES ARE AUTOMATED AND PROCEDURES FOR CHECKING ON VISITS ARE STANDARDIZED, FEASIBILITY OF SHORTER LEAD TIME COULD BE EXAMINED, ESPECIALLY IN REGARD TO REPEAT VISITORS (I.E., SECOND OR SUBSEQUENT RECENT ENTRY).

5. REQUIREMENT FOR CLOSED-AREA NOTIFICATIONS IS NOT SPECIFICALLY MENTIONED IN SOVIET NOTE, BUT WE ARE CERTAIN THAT IT IS MAJOR SOURCE OF SOVIET DISSATISFACTION WITH NEW PROCEDURES. SO FAR AS EMBASSY AWARE, PRECISE FORM OF NOTIFICATION IS NOT IMPORTANT ELEMENT IN PROTECTING U.S. SECURITY INTERESTS. PURPOSE THIS REQUIREMENT SEEMS TO BE TO BRING HOME TO SOVIET AUTHORITIES THE FACT THAT CLOSED AREA REGULATIONS HAMPER NORMAL CONTACTS AND THUS TO GENERATE PRESSURE FOR RELAXATION OF SOVIET CLOSED-AREA RULES. THIS IS A WORTHY AIM, BUT EMBASSY FEELS THAT IMPACT OF NEW PROCEDURES ON SOVIET CLOSED-AREA REGULATIONS IS LIKELY TO BE MARGINAL AT BEST. FURTHERMORE, EXPERIENCE TO DATE HAS SHOWN THAT THEIR PRINCIPAL EFFECT IS TO CREATE IRRITATION, MISUNDERSTANDINGS AND ADMINISTRATIVE CONFUSION ON U.S. AS MUCH AS SOVIET SIDE. WHILE MFA NOW MAKES CLOSED-AREA ACKNOWLEDGMENTS (NOT REQUESTS) IN SOME CASES, IN OTHERS THEY CONTINUE TO RESIST. WHEN LATTER OCCURS, MAIN LOSER IS U.S. FIRMS WHICH HAPPEN TO HAVE PLANTS LOCATED IN CLOSED AREAS. AT BEST, THEY MUST RESCHEDULE PLANNED VISITS AND AT WORST THEY LOSE OPPORTUNITY TO COMPETE FOR BIDS FOR SALE OF PRODUCT IN QUESTION.

6. IT SHOULD ALSO BE NOTED, IN ADDITION TO PRACTICAL
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PAGE 03 MOSCOW 00813 201816Z

CONSIDERATIONS SET FORTH ABOVE, THAT OUR PRACTICE IN THIS MATTER IS NOT RPT NOT MIRROR IMAGE OF SOVIET PRACTICE (PRESUMABLY THE GOAL OF U.S. CLOSED AREA RESTRICTIONS). DEPARTMENT IS NOT RPT NOT REQUIRED TO REQUEST CLOSED AREA EXCEPTIONS FOR U.S. BUSINESSMEN PROCEEDING TO SOVIET CLOSED AREAS. THIS TASK IS HANDLED INTERNALLY AMONG SOVIET ORGANIZATIONS--PRESUMABLY BY THE FTO OR OTHER SPONSORING ORGANIZATION APPLYING DIRECTLY TO KGB. AN ANALOGOUS PROCEDURE ON OUR PART WOULD

BE TO ACCEPT REQUESTS FOR CLOSED AREA EXCEPTIONS FROM THE U.S. FIRM TO BE VISITED, OR FROM AMTORG OR THE KAMA PURCHASING COMMISSION, AS APPROPRIATE. IT SHOULD BE REMEMBERED IN THIS CONNECTION THAT MOST TRIPS TO CLOSED AREAS ARE INITIATED BY U.S. FIRMS, NOT BY THE SOVIET TRAVELLER.

7. MOST RECENT DEPARTMENT INSTRUCTION ON THIS MATTER (REF C) PROVIDES FOR EMBASSY WAIVER, BUT DOES NOT SPECIFY CRITERIA FOR JUDGING HARDSHIP TO U.S. FIRM. INDEED, EMBASSY IS USUALLY NOT IN POSITION TO DETERMINE ALL FACTS RELATING TO TRAVEL AND THUS MAKE INFORMED JUDGMENT, EVEN IF PROVIDED WITH EXPLICIT CRITERIA.

8. EMBASSY THEREFORE URGES DEPARTMENT TO REVIEW THIS QUESTION ONCE MORE TO DETERMINE WHETHER REQUIREMENT FORMFA CLOSED AREA NOTIFICATION CAN BE DROPPED ALTOGETHER, AND REPLACED BY PERIODICALLY INFORMING MFA (SAY, QUARTERLY) HOW MANY CLOSED-AREA EXCEPTIONS HAVE BEEN GRANTED FOR COMMERCIAL VISITS "IN ACCORD WITH VISA APPLICATIONS SUBMITTED BY THE MINISTRY." WE WOULD THUS NOT ONLY DRAW MINISTRY'S ATTENTION TO EXTENT OF OUR COOPERATION, BUT INDICATE THAT VISA APPLICATION FOR TRAVEL TO CLOSED AREA IS CONSIDERED IPSO FACTO A REQUEST FOR A CLOSED AREA EXCEPTION.

9. QUESTION OF CATEGORY A VISA ISSUANCE TO HOLDERS OF SOVIET DIPLOMATIC PASSPORTS WAS ACTIVATED BY U.S.ZI CUSTOMS TREATMENT OF MINISTER BELYAK AT DULLES AIRPORT SEPTEMBER 27. BELYAK HAD B-1 COMVIS VISA, AND IT IS NOT ALTOGETHER CLEAR TO EMBASSY WHETHER ALLEGED CUSTOMS TREATMENT WAS PROMPTED ALL OR IN PART BY INSTITUTION OF COMVIS INTERAGENCY PROCEDURES. EMBASSY UNDERSTANDS CATEGORY A VISAS FOR COMMERCIAL VISITS CAN BE ISSUED TO SOVIET MINISTERS AND DEPUTY MINISTERS AFTER USUAL BUSVIS PROCEDURES FOVINAME CHECK, ITINERARY APPROVAL, ETC., AND IT SEEMS TO EMBASSY THAT ONLY PRACTICAL DIFFERENCE
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PAGE 04 MOSCOW 00813 201816Z

BETWEEN B-1 AND A BUSVIS VISA CATEGORIES IS IN AIRPORT CUSTOMS COURTESIES. THUS, EMBASSY RECOMMENDS THAT DEPARTMENT REVIEW PRESENT PRACTICE AND APPA 22 CFR 41.20 NOTE 1(B)(1) IN EFFORT TO DETERMINE WHETHER MORE CATEGORY A VISAS CAN BE ISSUED TO SOVIET COMMERCIAL VISITORS THAN IS NOW THE PRACTICE. IN ANY EVENT, REPLY TO SOVIET NOTE SHOULD REITERATE RATIONALE FOR ISSUANCE OF B-1 AND A VISAS.
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